1950. K **File No.** B Rents 150

Legal Dept-

B. **BRANCH**

S/317

Subject:— L.A. Bill No. XX of 1950

A Bill to amend the Bombay Rent Hotel and Lodging House Rates Control Act 1947

Bombay Act No. XVI of 1950

P.T.O.

File No. B. Rents 150

Gen. 194 -

758-B

The requisite draft Bill is sent herewith.

2. It appears that the intention is to permit landlords to recover from tenants the amount of compensation paid by landlords in respect of riots of 1946-47. If so it would be necessary to cover the period from the date the riots started to the date on which Bombay Act LIX of 1947 by which sections 45, 46 and 46A were substituted for the original sections of the City of Bombay Police Act, 1902, came into force. It may be pointed out in this connection that the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 was published as an Act on the 19th January 1948 but was brought into force with effect from 13th February 1948; while Bombay Act LIX of 1947 came into force on 20th January 1948. The proposal of the Department to amend section 10 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 with reference to the riot tax imposed after the date of that Act and before the 20th January 1948, is not, therefore, feasible.

3. It would be seen from the provision made in the draft Bill that the landlord is authorised to recover the increase made by him in the rent by equal instalments. The department should consider whether payment by the tenant of the increase in rent by instalments is not necessary. If the department considers that such instalments are necessary, it should consider what should be the minimum number of instalments within which the payment should be made.

4. The subject-matter of the Bill falls under entry 28 in List II of the Seventh Schedule to the Constitution of India. The Bill does not require any sanction but requires the Governor's recommendation under article 207(1) of the Constitution.

Sd./-
25/2
Additional Secretary to Government.

U.R. to L.& H.D., No. 2791; dated the 27th February, 1950.

SVV
23.6.56.
4 e.

Legal Department.

From the Home Department Note of 3-3-50 at pp. 25-26 ante it appears that the intention is to levy the Riot Tax by way of addition to the general tax in spite of the amendment of Sec. 45 of the City of Bombay Police Act, 1902. If so, it will be necessary to revise the Draft Bill already supplied with this office No. 2791 dated the 27th February 1950. A revised draft is accordingly sent herewith.

2. In view of the position stated in para 4 of the L.& H.D. note dated the 21st January 1950, at pp. 15-16 ante, it is not necessary to cover any case arising under the District Police Act.

Sd./-
8/3
Additional Secretary to Government.

U.R. to L.& H. Department No. 3253; dated the 8th March, 1950.

SVV
23.5.56.
4 c.

IMMEDIATE.

No. 5588
Legal Department,
Bombay Castle(Bombay No.1), 20th April, 1950.

From
Shri J.R.Dhurendhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To
The Private Secretary to the Governor of Bombay.

Subject:- The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 4th and the 10th April 1950, respectively.

2. The subject-matter of the Bill falls under the entry 18 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution.

3. The date on whic His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of each of the items Nos.1, 2 & 4 and two copies of items Nos.3

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	: 2 & 4 : and
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Bombay Legislative Council.	: two : copies
3. Bill as read for the third time and passed by the Bombay Legislative Council.	: of
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 14th April 1950 and of the Bombay Legislative Council dated the 10th April 1950.	: items : Nos.3

of the papers noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Sd./-
Additional Secretary to Governme

Through
The Secretary to the Government of Bombay.

No. P. S. G. - 1134.

From

THE PRIVATE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,

Legal Department.

Government House,

Bombay (6), April 27, 1950.

Subject:- The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1950.

Sir,

With reference to your letter No. 5338t, dated April, 20, 1950, I am directed to return herewith the authentic copy of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd./-
Private Secretary to the Governor of Bombay.

SVV
23.6.56.
4 c.

ACTS.

Publication of the Bombay Rents, Hotel and Lodging House Rates, Control (Amendment) Act, 1950.

GOVERNMENT OF BOMBAY.
Legal Department
Resolution No. 5948.
Bombay Castle, 2nd May, 1950.

Letter to the Private Secretary to the Governor, No. 5388, dated the 20th April 1950.

Letter from the Private Secretary to the Governor, No. P.S.G.-1184, dated the 27th April 1950.

"With reference to your letter No. 5388, dated April 20, 1950, I am directed to return herewith the authentic copy of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon."

RESOLUTION:- The law should be published as Bombay Act No. XVI of 1950, in the Bombay Government Gazette dated the 2nd May 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari and Urdu scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Labour and Housing Department.

By order of the Governor of Bombay,

Sd./- K.J.Pathare,
Assistant Secretaryto Government,.

TD

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 50 Gazette copies of the Act may be forwarded to the Legal Department.).

SVV
23.6.56.
4 c.

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[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari and Urdu scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XX OF 1950.

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

Bom. LVII of 1947.

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950.

Bom. LVII of 1947.

Insertion of new section 10B in Bom. LVII of 1947.

2. After section 10A of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, the following section shall be inserted, namely :—

Bom. IV of 1902.

Proportional recovery of riot tax after certain date permitted.

"10B (*1*) Notwithstanding anything contained in sections 10 and 10A, where under sub-section (*3*) of section 45 of the City of Bombay Police Act, 1902, the Municipal Commissioner is required to recover any amount of compensation determined under sub-section (*1*) of the said section 45 in respect of any loss or damage caused to any property or in respect of death or grievous hurt caused to any person or persons at any time after the 25th day of September 1945 and an additional sum referred to in sub-section (*2*) of the said section 45 by an addition to the general tax, the landlord from whom such amount of

compensation and additional sum, hereinafter called the amount of the riot tax, is recovered in respect of any premises shall be entitled to recover the same from the tenants of the premises, subject to the following conditions, namely :—

(*i*) the amount of the riot tax shall be recoverable from the tenants in not less than four equal instalments ;

(*ii*) if the amount of the riot tax was recovered from the landlord before the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from such date ; Bom. of 1950.

(*iii*) if the amount of the riot tax is recovered from the landlord after the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from the date of the recovery of the riot tax from the landlord ; Bom. of 19

(*iv*) the amount of the riot tax to be recovered from each tenant shall bear the same proportion as floor area occupied by the tenant bears to the total floor area of the premises including the area, if any, in the occupation of the landlord.

Explanation.—For the purposes of this sub-section "floor area" does not include the area of a bath-room, lavatory, stair-case, lift, passage, open verandah, balcony and such other parts of the premises which are intended for common use by the tenants or by the tenants and the landlord.

(*2*) The recovery of any amount made by the landlord from the tenant under this section shall not be deemed to be an increase for the purposes of section 7."

STATEMENT OF OBJECTS AND REASONS.

Compensation on account of the riots in 1945, 1946 and 1947 which occurred in Bombay City was assessed by the Chief Presidency Magistrate, Bombay, and was directed by that officer to be recovered by the Bombay Municipality from all the property owners in the area affected by way of an addition to the general municipal tax under section 45(*3*) of the City of Bombay Police Act, 1902. Under section 10 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, as it stands at present, landlords are not permitted to recover this additional tax from their tenants. As it would not be proper to make the landlords alone responsible for payment of such additional tax which

101

is primarily meant to fall on the inhabitants, it is considered necessary to amend this Act by inserting a new section as section 10B in the Act in order to permit landlords in Bombay City to pass on this additional tax to their tenants proportionately to the floor area occupied by them in the premises.

Dated the 28th March 1950. (Signed) JIVRAJ N. MEHTA.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 30th March 1950.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XX OF 1950.

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 4th April 1950.)

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purpose hereinafter appearing; It is hereby enacted as follows :—

LVII of 1947.

Short title.

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950.

Insertion of new section 10B in Bom. LVII of 1947.

2. After section 10A of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, the following section shall be inserted, namely :—

Bom. LVII of 1947.

Proportional recovery of riot tax after certain date permitted.

"10B (*1*) Notwithstanding anything contained in sections 10 and 10A, where under sub-section (*3*) of section 45 of the City of Bombay Police Act, 1902, the Municipal Commissioner is required to recover any amount of compensation determined under sub-section (*1*) of the said section 45 in respect of any loss or damage caused to any property or in respect of death or grievous hurt caused to any person or persons at any time after the 25th day of September 1945 and an additional sum referred to in sub-section (*2*) of the said section 45 by an addition to the general tax, the landlord from whom such amount of

Bom. IV of 1902.

compensation and additional sum, hereinafter called the amount of the riot tax, is recovered in respect of any premises shall be entitled to recover the same from the tenants of the premises, subject to the following conditions, namely :—

(*i*) the amount of the riot tax shall be recoverable from the tenants in not less than four equal instalments ;

(*ii*) if the amount of the riot tax was recovered from the landlord before the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from such date ; Bom. of 1950.

(*iii*) if the amount of the riot tax is recovered from the landlord after the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from the date of the recovery of the riot tax from the landlord ; Bom. of 1950.

(*iv*) the amount of the riot tax to be recovered from each tenant shall bear the same proportion as floor area occupied by the tenant bears to the total floor area of the premises including the area, if any, in the occupation of the landlord.

Explanation.—For the purposes of this sub-section "floor area" does not include the area of a bath-room, lavatory, stair-case, lift, passage, open verandah, balcony and such other parts of the premises which are intended for common use by the tenants or by the tenants and the landlord.

(*2*) The recovery of any amount made by the landlord from the tenant under this section shall not be deemed to be an increase for the purposes of section 7."

STATEMENT OF OBJECTS AND REASONS.

Compensation on account of the riots in 1945, 1946 and 1947 which occurred in Bombay City was assessed by the Chief Presidency Magistrate, Bombay, and was directed by that officer to be recovered by the Bombay Municipality from all the property owners in the area affected by way of an addition to the general municipal tax under section 45(*3*) of the City of Bombay Police Act, 1902. Under section 10 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, as it stands at present, landlords are not permitted to recover this additional tax from their tenants. As it would not be proper to make the landlords alone responsible for payment of such additional tax which is primarily meant to fall on the inhabitants, it is considered necessary to amend this Act by inserting a new section as section 10B in the Act in order to permit landlords in Bombay City to pass on this additional tax to their tenants proportionately to the floor area occupied by them in the premises.

Dated the 28th March 1950. JIVRAJ N. MEHTA.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XX OF 1950.

(As read for the third time and passed by the Legislative Assembly on the 4th April 1950.)

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

[Dr. Jivraj N. Mehta, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XX OF 1950.

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 4th April 1950.)

(As read for the third time and passed by the Legislative Council on the 10th April 1950.)

Bom. LVII of 1947.

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950.

Bom. LVII of 1947.

Insertion of new section 10B in Bom. LVII of 1947.

2. After section 10A of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, the following section shall be inserted, namely :—

Bom. IV of 1902.

Proportional recovery of riot tax after certain date permitted.

"10B (*1*) Notwithstanding anything contained in sections 10 and 10A, where under sub-section (*3*) of section 45 of the City of Bombay Police Act, 1902, the Municipal Commissioner is required to recover any amount of compensation determined under sub-section (*1*) of the said section 45 in respect of any loss or damage caused to any property or in respect of death or grievous hurt caused to any person or persons at any time after the 25th day of September 1945 and an additional sum referred to in sub-section (*2*) of the said section 45 by an addition to the general tax, the landlord from whom such amount of

compensation and additional sum, hereinafter called the amount of the riot tax, is recovered in respect of any premises shall be entitled to recover the same from the tenants of the premises, subject to the following conditions, namely :—

(*i*) the amount of the riot tax shall be recoverable from the tenants in not less than four equal instalments ;

(*ii*) if the amount of the riot tax was recovered from the landlord before the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from such date ; Bom. of 1950.

(*iii*) if the amount of the riot tax is recovered from the landlord after the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from the date of the recovery of the riot tax from the landlord ; Bom. of 1950.

(*iv*) the amount of the riot tax to be recovered from each tenant shall bear the same proportion as floor area occupied by the tenant bears to the total floor area of the premises including the area, if any, in the occupation of the landlord.

Explanation.—For the purposes of this sub-section "floor area" does not include the area of a bath-room, lavatory, stair-case, lift, passage, open verandah, balcony and such other parts of the premises which are intended for common use by the tenants or by the tenants and the landlord.

(*2*) The recovery of any amount made by the landlord from the tenant under this section shall not be deemed to be an increase for the purposes of section 7."

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XX OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 4th April 1950.)

(As read for the third time and passed by the Legislative Council on the 10th April 1950).

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

[Dr. JIVRAJ N. MEHTA, M.L.A.]

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BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 2ND MAY 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated by the Governor.

CONTENTS

PAGES

BOMBAY ACT No. XVI OF 1950—An Act to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 402-403

The following Act of the Bombay Legislature having been assented to by the Governor on the 26th April 1950 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XVI OF 1950.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on 2nd May 1950.)

An Act to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

Bom. LVII of 1947.

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950.

Bom. LVII of 1947.

Insertion of new section 10B in Bom. LVII of 1947.

2. After section 10A of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, the following section shall be inserted, namely :—

Proportional recovery of riot tax after certain date permitted.

"10B (*1*) Notwithstanding anything contained in sections 10 and 10A, where under sub-section (*3*) of section 45 of the City of Bombay Police Act, 1902, the Municipal Commissioner is required to recover any amount of compensation

Bom. IV of 1902.

determined under sub-section (*1*) of the said section 45 in respect of any loss or damage caused to any property or in respect of death or grievous hurt caused to any person or persons at any time after the 25th day of September 1945 and an additional sum referred to in sub-section (*2*) of the said section 45 by an addition to the general tax, the landlord from whom such amount of compensation and additional sum, hereinafter called the amount of the riot tax, is recovered in respect of any premises shall be entitled to recover the same from the tenants of the premises, subject to the following conditions, namely :—

(*i*) the amount of the riot tax shall be recoverable from the tenants in not less than four equal instalments ;

(*ii*) if the amount of the riot tax was recovered from the landlord before the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from such date ; Bom. XVI of 1950.

(*iii*) if the amount of the riot tax is recovered from the landlord after the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from the date of the recovery of the riot tax from the landlord ; Bom. XVI of 1950.

(*iv*) the amount of the riot tax to be recovered from each tenant shall bear the same proportion as floor area occupied by the tenant bears to the total floor area of the premises including the area, if any, in the occupation of the landlord.

Explanation.—For the purposes of this sub-section "floor area" does not include the area of a bath-room, lavatory, stair-case, lift, passage, open verandah, balcony and such other parts of the premises which are intended for common use by the tenants or by the tenants and the landlord.

(*2*) The recovery of any amount made by the landlord from the tenant under this section shall not be deemed to be an increase for the purposes of section 7."

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.